

Request for City Council Committee Action from the Department of Public Works

Date: April 1, 2014

To: Honorable Kevin Reich, Chair Transportation & Public Works Committee

Referral to: Honorable John Quincy, Chair Ways and Means Committee

Subject: Amend the 2014 Adopted Budget; Cedar Ave Sidewalk Modifications

Layout Approval; Easements; Grant Contract Negotiation;

Designation; Cost Estimate; Set Public Hearings (Project No 9930)

Recommendation:

A. Amend the 2014 Adopted Capital Budget resolution 2013R-573 to establish CPV107 Cedar Ave Sidewalk Modifications with the following revenue sources:

- a. \$747,500 Hennepin County TOD Program Grant;
- b. \$300,000 Hiawatha TOD funds;
- c. \$200,000 Special Assessments;
- d. \$500,000 Advance from Fund 04100.
- B. Amend the 2014 Adopted Capital Budget 2013R-573 to
 - a. Increase appropriation and revenue source 322002 for 04100-9010937-CPV107 by \$747,500 from the Hennepin County TOD Program Grant.
 - b. Increase appropriation and revenue source 345501 for 04100-9010937-CPV107 by \$300,000 from the Hiawatha TOD fund to be received from CPED.
 - c. Increase appropriation and revenue source 365001 for 04100-9010937-CPV107 by \$200,000 from Sidewalk Assessments. Actual Assessment will be determined at a Public Hearing.
 - d. Increase appropriation for 04100-9010937-CPV107 by \$500,000 from 04100 Permanent Improvement Fund Balance.
- C. Direct Public Works and Finance staff to identify, through the normal 2014 project close-out process anticipated to take place in September 2014, a revenue source for the Cedar Ave Sidewalk Modifications Project to restore the Permanent Improvement Fund 04100 advance. It is anticipated that bond proceeds from projects being closed will be sufficient to address this advance.
- D. Pass a resolution declaring the City's intent to pay for the expenditures not reimbursed by the other sources above with tax exempt bond proceeds.
- E. Approve the attached layout of the Cedar Ave Sidewalk Modification project.

- F. Authorize staff to negotiate with private property owners as necessary to acquire and execute temporary easement agreements not to exceed \$1,000 for the sidewalk work on Cedar Ave.
- G. Authorize the proper City officers to execute a grant contract agreement amendment with Hennepin County for accepting grant funds of up to \$822,500, of which \$747,500 will be used for the Cedar Ave Sidewalk Modification project, with \$1,000,000 matching funds to be provided by City of Minneapolis upon satisfactory review by the City Attorney's Office. The grant and matching funds will be used for the Cedar Ave Sidewalk Modification project.
- H. Pass a Resolution designating the location, streets, and improvements proposed to be made in the Cedar Sidewalk Modifications Project No 9930 and, as an exception to policy, not assessing for the street lighting improvements.
- I. Adopt a Committee Report receiving the cost estimate of \$1,747,500 for the sidewalk modification project, the list of benefited properties, directing the City Engineer to prepare a proposed Special Improvement Assessment against the list of benefited properties, and directing the City Clerk to give notice of a Project Approval and Assessment Public Hearing to be held June 17, 2014, before the Transportation and Public Works Committee.
- J. Set a public hearing to be held June 17, 2014, before the Transportation and Public Works Committee to consider the abandonment and removal of areaways in conflict with the street construction project and direct staff to give notice in accordance with the provisions of Section 95.90 of the Minneapolis Code of Ordinances

These Resolutions may be authorized for summary publication.

Previous Directives:

- <u>February 24, 2012</u> Minneapolis City Council approved \$300,000 appropriation and revenue for the Cedar Ave Sidewalk Reconstruction.
- <u>September 24, 2010</u> Minneapolis City Council accepted & appropriated grant awards for Cedar-Riverside LRT & Franklin LRT Station Area public realm improvements; Passed Resolution increasing appropriation.
- April 16, 2010 Minneapolis City Council authorized the submission of City grant applications for Cedar Avenue Pedestrian Improvements and Franklin Avenue LRT Station Area Pedestrian Improvements to the 2010 Hennepin County Transit-Oriented Development (TOD) Program.
- June 25, 1999 Minneapolis City council approved allocation of \$4,000,000 from Common Project reserve to the Hiawatha LRT Corridor TOD set-aside.

Department Information:

Prepared by:	Christopher M. Engelmann, P.E., Project Engineer 673-3274 Suzette Hjermstad, R.E. Investigator II, 673-3274 Don Elwood, P.E., Director of Transportation Planning and Engineering
Approved by:	
	Steven A. Kotke, P.E., Director of Public Works
Presenters in	Committee: Christopher M. Engelmann, Project Engineer, Department of

Public Works, Transportation Planning and Engineering

Financial Impact

Action requires an appropriation increase to the Capital Budget or Operating Budget

Dept Name: Public Works

Fund Name: 04100 - Capital

Project Name & Number (if capital budget): Cedar Sidewalk Modification - CPV107

Amount: \$ 1,747,500

Action provides increased revenue for appropriation increase

Dept Name: Public Works

Fund Name: 04100 - Capital

Project Name & Number (if capital budget): Cedar Sidewalk Modification - CPV107

Amount: \$1,747,500

Action is within the Business Plan

Request provided to the Finance Department

Community Impact

- Neighborhood Notification In coordination with CPED, one public meeting and multiple
 meetings with neighborhood and business groups were held to solicit input from the
 surrounding stakeholders.
- City Goals: A City that Works
- Comprehensive Plan: The project's design and funding is consistent with the following policies of the city's comprehensive plan, *The Minneapolis Plan for Sustainable Growth*:
- Policy 2.2: Support successful streets and communities by balancing the needs of all modes of transportation with land use policy.
 - 2.2.3 Promote street and sidewalk design that balances handling traffic flow with pedestrian orientation and principles of traditional urban form.
- Policy 2.3: Encourage walking throughout the city by ensuring that routes are safe, comfortable, pleasant, and accessible.
 - 2.3.1 Ensure that there are safe and accessible pedestrian routes to major destinations, including transit corridors, from nearby residential areas.
- Policy 5.4: Enhance the safety, appearance, and effectiveness of the city's infrastructure.
 - 5.4.1 Maintain and improve the quality and condition of public streets, sidewalks, bridges, water systems, and other public infrastructure.
- Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.
 - 10.9.3 Provide safe, accessible, convenient, and lighted access and way finding to transit stops and transit stations along the Primary Transit Network bus and rail corridors.
 - 10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Policy 10.15: Wherever possible, restore and maintain the traditional street and sidewalk grid as part of new developments.

10.15.3 Reduce street widths for safe and convenient pedestrian crossing by adding medians, boulevards, or bump-outs.

Policy 10.16: Design streets and sidewalks to ensure safety, pedestrian comfort and aesthetic appeal.

- 10.16.1 Encourage wider sidewalks in commercial nodes, activity centers, along community and commercial corridors and in growth centers such as Downtown and the University of Minnesota.
- 10.16.4 Employ pedestrian-friendly features along streets, including street trees and landscaped boulevards that add interest and beauty while also managing storm water, appropriate lane widths, raised intersections, and high-visibility crosswalks.

Supporting Information

Background

In April, 2010, the Minneapolis City Council authorized the submittal of thirteen applications to the 2010 Hennepin County Transit-Oriented Development Program solicitation. The Transit-Oriented Development (TOD) funding program supports both infrastructure projects and housing or commercial developments that reinforce the community and the transit system, exhibit a compact and efficient use of available land rather than automobile oriented sprawl, support healthy and active living, and contain a diversity and mix of uses with daily conveniences and transit at the center. Applications were submitted by the City of Minneapolis for the Cedar Avenue Pedestrian Improvements project and the Franklin Avenue LRT Station Area Pedestrian Improvements project.

In June, 2010 the Hennepin County Housing and Redevelopment Authority Board approved the 2010 Hennepin County TOD grant award for the City of Minneapolis Cedar-Riverside LRT and Franklin LRT Station Area Public Realm Improvement Project in the amount of \$375,000, with the funding divided between the Cedar Riverside (\$300,000) and Franklin Avenue (\$75,000) projects. A 50% match is required by Hennepin County for infrastructure work funded by the TOD grant program. The match can be from any source. The scope of work proposed for Cedar Avenue includes replacement of sidewalks, trees, tree grates, and curb where necessary from the West Bank LRT station to approximately Interstate 94. Pedestrian lighting and structured soils (currently not in place) are also proposed. No additional enhancements to the streetscape are proposed as part of this project.

Existing materials vary in both content and condition. Most of the sidewalks in the project area were last reconstructed with non-standard materials in the early 1970s. Maintenance of these materials has been inconsistent, resulting in piecemeal replacement and an ultimately unsafe and unpleasant pedestrian experience. Implementing standard materials throughout the corridor is intended to encourage better maintenance and a safer pedestrian experience for all users. Improving the pedestrian realm is also intended to increase the desirability of redevelopment parcels held by various public agencies near the West Bank and Cedar Riverside LRT stations.

CPED staff worked closely in consultation with Public Works to implement the project. In late 2012, Minneapolis CPED and Public Works coordinated with Hennepin County staff to evaluate the appropriateness and scope of the project. From these conversations it was determined that to meet the goals for the pedestrian space of the project area, additional construction outside the original scope was required. The increase in scope was necessary because the sidewalks could not be brought up to ADA standards by only replacing the sidewalk. The scope increased from a pure sidewalk replacement to a pedestrian zone

improvement project. In coordination with Hennepin County, the scope was expanded to include: a reconfiguration of the roadway from four lanes to three lanes, widening of the west pedestrian zone, adding parking on the west side of Cedar Ave, curb extensions where appropriate, pedestrian level lighting, and urban forest renewal.

Grant

The increased scope necessitated additional funding. CPED coordinated with Hennepin County to increase the original grant funding from \$375,000 (\$300,000 directed to the Cedar Ave Sidewalk Modification project) to \$822,500 (\$747,500 directed to the Cedar Sidewalk Modification project). The scope was increased to include the west curb replacement, curb extensions where appropriate, signage and striping necessary for the roadway reconfiguration. The match requirements were not modified with the increase in the grant funding.

Scope

The proposed project consists of sidewalk reconstruction of Cedar Ave S from approximately 3rd St S to 7th St S. This includes full removal and replacement of the west side curb, sidewalk on the east and west side of Cedar Ave, and striping of the roadway to the new configuration.

Street lighting along Cedar Ave is also proposed for this project. As this is not a street construction project that normally triggers a lighting project on a Pedestrian Priority Corridor, an exemption from the Lighting Policy is necessary for the project to include the pedestrian level lighting. The Cedar Ave Sidewalk Modification project is within an area identified as a Pedestrian Priority corridor and serves 1,470 pedestrians per day. The grant funding identified for the project will cover a portion of the lighting system cost.

Layout

Two public meetings (December 18, 2013, and August 29, 2013) to solicit community input and present the ideas and concepts contained in the current preferred layout. In addition to general public meetings, staff has been meeting regularly with the West Bank Community Coalition, West Bank Business Association, and Cedar Riverside Partnership regarding the project. The proposed layout modifies the existing road configuration from four lanes with one lane of parking to three lanes with two lanes of parking. If completed, Cedar Ave will have two drive lanes, a center turn lane, and two parking lanes. The east curb line will remain in place. The west curb will be removed and relocated, adding approximately four feet of sidewalk width on the west side – making the pedestrian space roughly equal on both sides of the street. Curb extensions are also planned, but will be defined in final design.

Schedule

The project is planned to be constructed in the 2014 construction season.

Funding

The project cost estimate is \$1,747,500.

If Council authorizes the project, the 2014 Adopted Capital Budget appropriation and revenue will need to be amended. Staff recommends amending resolution 2013R-573 to increase the appropriation and revenue sources for project Cedar Ave Sidewalk Modifications - CPV107, using the following:

Hiawatha TOD \$300,000

Henn Co. TOD Program Grant \$747,500

Sidewalk Assessment \$200,000

Advance from Fund 04100 \$500,000

It is anticipated that bond proceeds from projects being closed will be sufficient to address this advance the City hereby declaring its intent to cover the expenditures not reimbursed by the other sources above with tax exempt bond proceeds.

Easements

Staff is requesting authorization to negotiate with the controlling property owners to acquire permanent and temporary easements for the project to address construction grade issues and infrastructure conflicts identified during detailed design or encountered during construction.

Abandonment and Removal of Conflicting Areaways

Section 95.90 of the Minneapolis Code of Ordinances provides a procedure for dealing with areaway encroachments that would interfere with public improvements being made in the public right-of-way such as street construction. Before the City may abandon and remove conflicting areaways (upon the failure of the abutting property owner to resolve or agree to resolve the conflict) and then later assess the costs, a public hearing must be held. It is our recommendation that this areaway public hearing be held in conjunction with the Riverside Extension - 15th Av S and 4th St S Reconstruction Project Approval and Public Hearing. Prior to the areaway public hearing notices being given, the City Engineer will have provided the initial notice required in Section 95.90 of the Minneapolis Code of Ordinances.

Attachment: Project Map

Cedar Ave Sidewalk Modification Project Layout

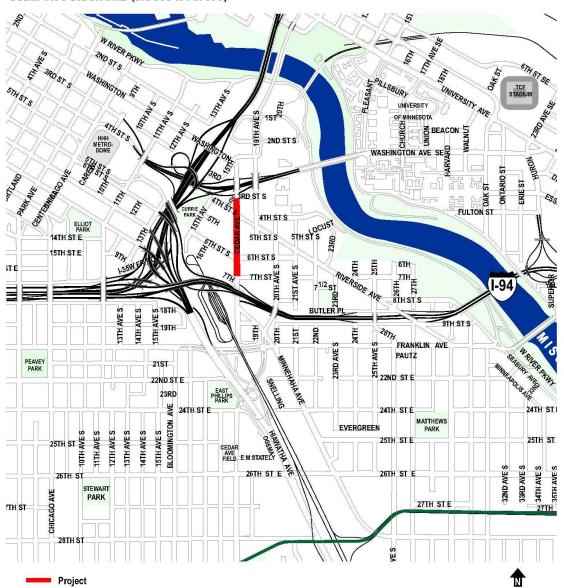
Cc: CM Warsame – Ward 6 CM Gordon – Ward 2

Dennis Morris, Department of Public Works

Jack Qvale, Secretary, Board of Estimation and Taxation

Cedar Ave Sidewalk Modifications Project Map

Cedar Ave Sidewalks (3rd St S to 7th St S)



T&PW – Your Committee recommends passage and summary publication of the accompanying Resolution and its accompanying Committee Report designating the locations to be improved in the Cedar Ave Sidewalk Modification Project, Special Improvement No 9930.

Cedar Ave Sidewalk Modification Project

SPECIAL IMPROVEMENT NO. 9930

Designating the improvement of certain existing sidewalks at the locations described hereinafter.

Resolved by the City Council of the City of Minneapolis:

That the following existing infrastructure within the City of Minneapolis are hereby designated to be improved, pursuant to the provisions of Chapter 10, Section 8 of the Minneapolis City Charter, by replacing sidewalks, concrete curb and gutter all on a stabilized base, street lighting, and including other related improvements as needed along Cedar Ave from 3rd St S to 7th St S.

T&PW – Your Committee, having received a cost estimate of \$1,747,500 for sidewalk modification improvements and a list of benefited properties for certain locations in the Cedar Avenue Sidewalk Modification Project, Special Improvement of No. 9930, as designated by Resolution 2014R-_____, passed April 11, 2014, now recommends that the City Engineer be directed to prepare a proposed Sidewalk Modification Special Improvement Assessment against the list of benefited properties.

Your Committee further recommends that the City Clerk be directed to give notice of a public hearing to be held by the Transportation and Public Works Committee on June 17, 2014, in accordance with Chapter 10, Section 8 of the Minneapolis City Charter and Section 24.180 of the Minneapolis Code of Ordinances, to consider approving the construction of the above designated sidewalk locations, and to consider the amount proposed to be assessed to each benefited property and the amount to be funded by the City.

RESOLUTION 2014R-XXX

By Reich & Quincy

Resolved by the City Council of the City of Minneapolis:

That pursuant to IRS Treasury Regulations Section 1.150-2, the City of Minneapolis hereby declares it's official intent to reimburse all expenditures not paid for by grant funds or special assessments, initially estimated at \$500,000, related to the Cedar Ave Sidewalk Modifications project from the proceeds of tax exempt debt of the City. The expenditures to be reimbursed include all preliminary expenses for planning, design, legal, consulting services and staff costs reasonably allocated to the project as well as costs incurred and paid for the design, purchase and reconstruction of sidewalk improvements, roadway reconfiguration and striping, pedestrian level lighting and associated improvements on Cedar Ave S from approximately 3rd St S to 7th St S. The reasonably expected source of funds to pay such original expenditures and to pay debt service on the tax exempt debt issued by the City consists of ad valorem property taxes.

By Reich and Quincy

Amending Redevelopment Agreement for Cedar-Riverside Central LRT and Franklin Hiawatha LRT Station Area Public Realm Improvements (Hennepin County Contract No. A101158).

Whereas, this Second Amendment is made and entered into by and between the County of Hennepin, State of Minnesota ("COUNTY"), A-2300 Government Center, Minneapolis, MN 55487, the Hennepin County Housing and Redevelopment Authority, ("HCHRA"), 701 Fourth Avenue South, Suite 400, Minneapolis, MN 55415, and the City of Minneapolis ("CITY"), 250 South Fourth Street, Room 110, Minneapolis, Minnesota 55415; and

Whereas, the parties entered into Contract No. A101158 (the "Agreement") as authorized by HCHRA Resolution No. 10-HCHRA-0008; and

Whereas, the parties entered into First Amendment to Contract No. A101158 (the "Amendment") authorized by HCHRA Resolution No. 12-HCHRA-0021; and

Whereas, the Agreement between the parties provides an award of \$375,000 for the Cedar-Riverside Central LRT and Franklin Hiawatha LRT Station Area Public Realm Improvements project ("Project") and disbursement of funds by December 31, 2013; and

Whereas, the County did not elect to allocate any grant funds to Eligible Activity #2; and

Whereas, the City has commenced preliminary surveys and scoping of the project and will complete the construction of the eligible activities for the Project by June 30, 2015; and

Whereas, the parties agree the term of the Agreement should be extended;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parties agree to amend the Agreement as follows:

That the first paragraph of Section 1 of the Agreement shall be deleted and replaced with the following:

1. <u>Term and Amount of the Agreement</u>. The CITY agrees to complete any ELIGIBLE ACTIVITIES for which it has received funding under this agreement by June 30, 2015. The COUNTY agrees to contribute an amount not to exceed **\$822,500** to CITY for reimbursement of the ELIGIBLE ACTIVITIES. CITY qualifies for reimbursement for only those ELIBIBLE ACTIVITES commenced after the date in the first paragraph of this agreement (the "Start Date").

That Section 11 of the Agreement shall be deleted and replaced with the following:

Contract Administration. In order to coordinate the services of CITY with the activities of the HCHRA so as to accomplish the purposes of this Agreement,
 Thatcher Imboden or his successor, shall manage this Agreement on behalf of the HCHRA and serve as liaison between the HCHRA and CITY.

That the second sentence of Section 12 of the Agreement shall be deleted and replaced with the following:

12. Notice to the COUNTY shall be sent to the County Administrator at the address given in the opening paragraph of the Agreement, with a copy provided to the person identified as the contract administrator in Section 11.

That the following language shall be added to Eligible Activity #2 within Attachment A:

Hennepin County Transportation did not utilize TOD Funds for improvements to the Cedar Avenue Bridge.

That Eligible Activity #3 within Attachment A shall be deleted and replaced with the following:

Cedar Avenue Streetscape Improvements

\$747,500 is available for Cedar Avenue Streetscape Improvements.

Cedar Avenue Streetscape Improvements shall include development of a new, high quality streetscape between the intersection of Cedar Avenue and Washington Avenue on the north and I-94 on the south, not including the Cedar Avenue Bridge, and may include new sidewalks, **curb and gutter**, street furnishings, lighting, tree and containerized plantings, structural soils, permeable paving, or other improvements approved by the HCHRA. County funds may not exceed 50% of the total costs of Cedar Avenue Streetscape Improvements.

Be It Further Resolved that except as herein amended, the terms, conditions and provisions of the original Agreement shall remain in full force and effect.

COUNTY BOARD AUTHORIZATION

	COUNTY OF HENNEPIN STATE OF MINNESOTA
Reviewed by the County Attorney's Office	
	By: Chair of Its County Board
By: Date:	ATTEST: Deputy Clerk of County Board
	Date:
	By: County Administrator Date:
	And: Assistant County Administrator-Public Works Date:
	Recommended for Approval
	By: Department Director, Housing, Community Works and Transit
	HENNEPIN COUNTY HOUSING AND REDEVELOPMENT AUTHORITY
	By: Chair of Its Board
	And: Executive Director

CITY OF MINNEAPOLIS

	By:
	Its: Finance Officer
	Citywide Contract Administer
	City Purchasing Agent
City Department Approval	
CPED Director of Economic Policy and Development	
Approved as to form:	
Assistant City Attorney	